

04-07-9

#25 an
447-03
280



EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number: EV 127540965 US

Date of Deposit: April 4, 2003

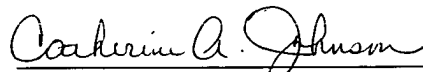
Type of Document(s): Response Under 37 CFR 192(d) to Notice
Of Non-Compliance of Appeal Brief
Under 37 CFR 192(c) (*in triplicate*);
Amended Appeal Brief (*in triplicate*); and
Return Postcard

Serial No.: 09/181,658

Date Filed: October 29, 1998

RECEIVED
APR 10 2003
GROUP 3600

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Box AF, Washington, DC 20231.


Catherine A. Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Savage et al.

Group Art Unit: 2164

Application No.: 09/181, 658

Examiner: Kanof, P.

Filed: October 29, 1998

For: **A METHOD AND SYSTEM OF COMBINED BILLING OF
MULTIPLE ACCOUNTS ON A SINGLE STATEMENT**

Assistant Commissioner for Patents
Box AF
Washington, DC 20231

RECEIVED
APR 10 2003
GROUP 3800

**RESPONSE UNDER 37 C.F.R. 192(d) TO NOTICE OF NON-COMPLIANCE OF
APPEAL BRIEF UNDER 37 C.F.R. 192(c)**

Sir:

In the Notice of Non-Compliance under 37 C.F.R. 1.192(c) mailed March 25, 2003, the Examiner noted that the Appeal Brief filed on June 14, 2002 did not contain a correct copy of the claims in the Appendix of appealed claims.

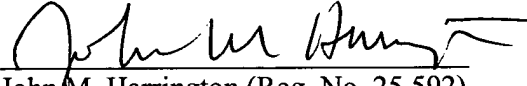
In response to the Notice of Non-Compliance, submitted herewith under 37 C.F.R. 1.192(d) in triplicate is an Amended Appeal Brief that corrects errors in claims 9, 10, 12, 13, 30, 31, and 48 in the Appendix of appealed claims and overcomes all the reasons for non-compliance stated in the Notice.

Attached hereto is a sheet with dependent claims 9, 10, 12, 13, 30, 31 and 48 marked up to clearly show the errors that were corrected. The errors occurred as a result of reference to an incorrect electronic version of the as-filed application and were inadvertent and unintentional.

It is believed that no additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

Respectfully submitted,

Date: 4/4/03


John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800

Sheet With Claims 9, 10, 12, 13, 30, 31, and 48 Marked Up to Show Corrections in the Appendix of Appealed Claims

9. The method of claim 1, wherein one of the plurality of customer accounts comprises at least one selected from the group of a recurring bill account, a retail account, a communications account, and a financial account, ~~a home security account, and an account for cable services.~~

10. The method of claim 9, wherein the recurring bill account comprises at least one selected from the group of an electric account, a gas account, a cable account, a home security account, and a water account.

12. The method of claim 9, wherein the communications account comprises at least one selected from the group of a long distance account, a local account, a wireless account, and an Internet access account.

13. The method of claim 9, wherein the financial account comprises at least one selected from the group of an insurance account, an investments account, an auto account, a bank statement account, an installment account, and a mortgage account.

30. The method of claim 29, wherein at least one of the account charges relates to a credit card account, and wherein assembling comprises automatically calculating at least one selected from the group of a fee and a finance charge associated with the credit card account charge.

31. The method of claim 30, wherein assembling further comprises automatically calculating a credit card account payment due amount from the credit card account charge and at least one selected from the group of the fee and the finance charge.

48. The method of claim 47, wherein the customer account comprises ~~an~~ energy a recurring bill account.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Savage et al.

Group Art Unit: 2164

Application No.: 09/181, 658

Examiner: Kanof, P.

Filed: October 29, 1998

For: **A METHOD AND SYSTEM OF COMBINED BILLING OF
MULTIPLE ACCOUNTS ON A SINGLE STATEMENT**

AMENDED APPEAL BRIEF

Assistant Commissioner of Patents
ATTN: Box AF
Washington, DC 20231

Sir:

This is an Appeal Brief under 37 C.F.R. § 1.192 in connection with the final rejection of claims 1, 4-6, and 9-57, in the Final Office Action mailed January 15, 2002.¹ Applicant mailed a Notice of Appeal on April 15, 2002. Each of the topics required by 37 C.F.R. § 1.192 is presented herewith and is labeled appropriately.

¹ A Final Office Action was originally mailed on October 10, 2001, but Applicant did not receive the Final Office Action until January 2, 2002. Applicant filed a Petition to Reset Period for Reply under MPEP § 710.06. The Final Office Action was then sent to the Applicant again with a mailing date of January 15, 2002.

Real Party in Interest

The real party in interest in this patent application is the assignee, Universal Card Services Corp., 8787 Baypine Road, Jacksonville, Florida 32256 (hereinafter "Appellant").

Related Appeals and Interferences

The Appellant and the Appellant's legal representative know of no related appeals or interferences that will directly affect, will be directly affected by, or have a bearing on the Board's decision in this appeal.

Status of Claims

Claims 1, 4-6, and 9-57 stand finally rejected and are the subject of this appeal.

This appeal concerns a continued prosecution application filed by the Appellant on July 26, 2001. Claims 2, 3, 7, and 8 were canceled and new claims 54 and 55 were added by the Appellant during the prosecution of the parent application. New claims 56 and 57 were added by Appellant by preliminary amendment filed with the continued prosecution application. Claims 1, 4-6, and 9-57 were rejected in a final Office Action mailed October 10, 2001 (resent January 15, 2002 under MPEP § 710.06). The final rejection of claims 1, 4-6, and 9-57 (shown in the appendix) is appealed.

Status of Amendments

Appellant submitted an amendment after final rejection pursuant to 37 C.F.R. § 116 on March 15, 2002 to place the application in condition for allowance or better condition for appeal. The amendment sought to amend claims 1, 50, and 54-57. The Examiner refused to enter this amendment in an Advisory Action dated March 26, 2002.

Summary of the Invention

The present invention relates to an improved method and system of combined billing of multiple accounts on a single statement in which a service provider, such as a bank or other financial institution, contracts with various companies to have all of their bill data delivered to the service provider electronically. The service provider stores the data at a customer level in its computer system. At the appropriate cycle time for a particular customer's account (i.e., the time at which the service provider delivers a statement once a month to the customer), the service provider's computer system automatically generates a combined statement and delivers it to the customer. Specification, page 5, line 28-page 6, line 5.

The service provider receives the data electronically from the billers, and it is stored in the service provider's computer database. A single transaction is written out by the service provider's accounts receivable computer system. At different times in the month, the service provider receives data electronically, for example, for two or three different bills for a customer, which are reading out transactions one at a time to the service provider's accounts receivable system. The service provider can also be receiving, for the same customer, the customer's bill data for goods/services furnished by various vendors, each reading out a transaction into the service provider's accounts receivable system. Specification, page 6, lines 5-12.

When the accounts receivable system actually cycles, having accumulated the entire balance, any finance charge, late payment charge, or miscellaneous fees, computing the minimum payment amount and basically keeping the account in balance, a data image is forwarded to the service provider from the service provider's processing system. The service provider identifies each of those individual transactions that are read out and pulls them off of the statement and replaces them with the full image of the statement. Accordingly, the customer receives a complete branded statement for goods/services furnished by the various vendors, and with a summary page with multiple payment options from which the customer can pay the account. Specification, page 6, lines 15-25.

The service provider receives transactions throughout the period, for example, of a month, and if a customer misses a payment, the service provider has already settled

with each individual vendor of goods/services. The service provider's system is provided with different authorization parameters in dealing with customers of the billers, but the service provider is responsible for undertaking its own collections efforts against all of the balances that are left unpaid. Eventually, the matter may be referred to a collection agency that actually undertakes legal action to collect the debt on behalf of the service provider as the owner of the receivables. Specification, page 6, line 26-page 7, line 7.

Claims 1, 4-6, 9-49, 54, and 56 are directed to methods, and claims 50, 55, and 57 are directed to systems, of combined billing for one or more customers on a plurality of customer accounts in which a service provider, upon receiving account data electronically from a plurality of billers from time-to-time, acquires ownership of the receivables represented by the account data under contractual arrangements with the billers (Spec. p. 7, lines 7-15). In addition, at least one of the plurality of accounts is a recurring bill account—the account regularly and periodically incurs charges for which the customer needs to be billed (Spec. p. 5, lines 18-27). Further, even after the service provider acquires ownership of the receivables associated with the account data received, the customer continues to purchase products or services from at least one of the billers (Spec. p. 5, line 28 to p. 6, line 25). Further, according to the method of claims 54 and 56, and the system of claims 55 and 57, the service provider, as the owner of the receivables, renders a combined bill to the customer, which represents a debt of the customer to the service provider, rather than to the biller from whom the receivables were purchased (Spec., p. 7, lines 7-15).

Issues

The Examiner finally rejected claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 50-57 as being unpatentable under 35 U.S.C. 103(a) over Saville, Defining the Convergent Billing Marketplace, Spring 1997 (“the Saville article”) and finally rejected claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable under 35 U.S.C. 103(a) over the Saville article in view of U.S. Patent No. 6,049,786 issued to Smorodinsky (“Smorodinsky”).

The issues presented for consideration in this appeal are:

1. Whether the Examiner erred in rejecting claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 50-57 as being unpatentable under 35 U.S.C. 103(a) over the Saville article.
2. Whether the Examiner erred in rejecting claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable under 35 U.S.C. 103(a) over the Saville article in view of Smorodinsky.

Grouping of Claims

For the purposes of this appeal, claims 1, 4, 9-16, 19-22, 32-35, and 38-41 directed to a method, and claims 50-53 directed to a system, of combined billing for a least one customer on a plurality of customer accounts stand and fall together as a group with respect to the rejection under 35 U.S.C. 103(a) over the Saville article; claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 directed to a method of combined billing for a least one customer on a plurality of customer accounts stand and fall together as a group with respect to the rejection under 35 U.S.C. 103(a) over the Saville article in view of Smorodinsky; claims 54 and 56 directed to a method, and claims 55 and 57 directed to a system, of combined billing for at least one customer on a plurality of customer accounts by a service provider, such as a financial institution, stand and fall together as a group with respect to the rejection under 35 U.S.C. 103(a) over the Saville article.

Argument

The Examiner finally rejected claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 50-57 as being unpatentable over the Saville article under 35 U.S.C. 103(a) and claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable over the Saville article in view of Smorodinsky under 35 U.S.C. 103(a).

As an initial matter, it should be noted that the Examiner rejected the present invention under 35 U.S.C. § 103(a). To establish a *prima facie* case for obviousness under 35 U.S.C. § 103 (a), an Examiner must meet three basic criteria. "First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Manual of Patent Examining Procedure § 2143. “In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification.” In re Linter, 173 USPQ 560, 562, 458 F.2d 1013, 1016 (CCPA 1972). As will be discussed below, Appellant submits that a person of ordinary skill in the art would not be led or motivated to modify the disclosures in the cited references in order to reach the invention the claimed in present application.

Claims 1, 4, 9-16, 19-22, 32-35, and 38-41 are directed to a method, and claims 50-53 are directed to a system, of combined billing for a least one customer on a plurality of customer accounts in which account data is received electronically from time-to-time by a service provider from each of a plurality of billers, and ownership of receivables represented by the account data is acquired by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data. Account charges for the customer accounts are calculated from the account data and aggregated for at least one customer on the plurality of customer accounts. A combined bill is formatted for the customer from the aggregated account charges and automatically rendered to the customer. Further, one or more of the accounts is a recurring bill account, such that the customer continues to make purchases from the biller after the service provider acquires ownership of the receivables.

Claims 54 and 56 are directed to methods, and claims 55 and 57 are directed to systems of combined billing in which contractual arrangements are entered between a service provider and a plurality of billers to have their account data for a plurality of customer accounts delivered to the service provider electronically. The account data is received electronically from time-to-time during a billing cycle by the service provider

from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider, and the account data is stored at a customer level in a computer database of the service provider. Under the contractual arrangement, ownership of receivables represented by the account data is acquired by the service provider when the account data is received, and the service provider remits payment for the receivables to the billers within a pre-determined period after receiving the account data. Account charges are automatically calculated for the plurality of customer accounts from the account data and aggregated for at least one customer. A combined bill is automatically generated for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account and automatically rendered to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill. Again, at least one of the plurality of accounts is a recurring bill account, and the customer continues to make purchases from at least one of the billers after the service provider acquires ownership of the receivables.

In rejecting the claims of the present invention, the Examiner's position was that the Saville article disclosed all the elements of claims 1 and 50 except acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data. For this element, the Examiner relied on "Official Notice". Final Office Action, mailed January 15, 2002, page 4. With regard to claims 54-57, the Examiner's position was that the Saville article disclosed all the elements of claims 54-57 except acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data and remitting payment for the receivables to the billers by the service provider under the contractual arrangement within a predetermined period after receiving the account data. The Examiner likewise relied on "Official Notice" for the first missing element and considered that the second missing element is "inherent." Final Office Action, mailed January 15, 2002, pages 8 and 10.

Issue 1: Whether the Examiner erred in rejecting claims 1, 4, 9-16, 19-22, 32-35, 38-41, and 50-57 as being unpatentable under 35 U.S.C. 103(a) over the Saville article.

The Examiner rejected claims 1, 4, 9-19, 19-22, 32-35, 38-41, and 50-57 as being unpatentable under 35 U.S.C. 103(a) over the Saville article. For the reasons set forth below, the Saville article fails to disclose the presently claimed invention.

The “convergent” billing system mentioned in the Saville article is not capable of combined billing according to Appellant’s claimed invention. On the contrary, the article deals with a convergent billing system that bundles all of a consumer’s charges on various services provided by a single biller into a single convergent bill. For example, the article discusses convergent billing as a way for a telecom provider to lock in customers by offering a single bill that includes bundled products and services to give their customers a full view of all their telecom services (p. 2, lines 8-11). According to the Saville article, a convergent billing system should adopt to a particular biller’s current service offerings, including PCS/cellular, cable, local, long distance, Internet, intranet, interconnect, carrier access and information content billing and that the billing should be integrated (p. 2, lines 37-44).

The article mentions that Saville provides a system for combined power, light and telephone services, and says that a convergent billing platform enables a biller to rate and bill local, long distance, Internet, cable, wireless, and data network services on a single invoice. (p. 3, lines 13-23). The Saville article reports that rated activities are stored on on-line screens as unbilled usage, and when the customer’s bill cycle is due, a single process calculates, generates, and updates usage with the latest billing information (p. 4, lines 10-15). The Saville article notes that it is able to deliver a single convergent bill to the customer, (p. 6, lines 16-20) and a customer structure that can be pointed to an account for group billing (p. 6, lines 28-30). The Saville article neither teaches nor suggests a system and method for combined billing in which the service provider, upon receiving account data electronically from each of a plurality of billers from time-to-time under contractual arrangements, acquires ownership of the receivables, calculates and aggregates account charges, and formats and renders a combined bill to the customer on

recurring bill accounts, such that the customer continues to make purchases from the biller after the service provider acquires ownership of the receivables, as contemplated by Appellant's claimed invention.

After noting that "Saville does not explicitly disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data[,]" the Examiner takes Official Notice that "it is old and well known within the financial services industry wherein a financial institution buys debts, such as bills from other organizations." Office Action, mailed January 15, 2002, p. 4. The Examiner asserts that it "is common in the mortgage market between the first and secondary markets" and that it "is also used by companies who need cash and sell their account receivables (debts) to a financial institution or collection agency." *Id.* After stating that "it would have been obvious to one having ordinary skill in the art the time the invention was made to acquire ownership of receivables[,]" the Examiner concluded that "[o]ne would be motivated to acquire ownership of receivables in order to increase the flexibility of the financial solutions and to integrate all the steps of the billing process with the reception and control of the customer payments." *Id.*

Appellant agrees that it is common in the mortgage market for mortgages to be sold between the first and secondary markets and that companies needing cash sometimes sell their account receivables (debts) to a financial institution or collection agency. However, Appellant's claims relate to acquiring ownership of receivables represented by account data that is electronically received from time-to-time from each of a plurality of billers, wherein at least one of the plurality of accounts is a recurring bill account, wherein a customer continues to purchase products or services from at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received, and wherein the service provider acquires ownership of receivables associated with the subsequently purchased products or services after receiving account data for the customer account from the at least one biller.

For example, the service provider may receive account data associated with a customer's telephone bill. The service provider would acquire ownership of the receivables represented by the account data associated with that telephone bill after the

account data is received. The customer may continue purchasing telephone services from the biller (e.g., a telephone company). The service provider would later receive account data associated with the subsequent purchases and would acquire ownership of the receivables represented by the account data associated with those subsequent purchases. This is distinct from the simple purchase of debts by a financial institution because in the present invention, at least one of the accounts is a recurring bill account, such that the service provider periodically acquires ownership of receivables from at least one biller for a particular customer. For example, the selling of a particular mortgage between the first and secondary markets, as cited by the Examiner, is a one-time acquisition by the purchaser and is not recurring.

The Appellant also respectfully submits that there is no suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the Official Notice taken by the Examiner with the Saville article. The teaching or suggestion to make the claimed combination must be found in the prior art, not in Appellant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Examiner asserted that “[o]ne would be motivated to acquire ownership of receivables in order to increase the flexibility of the financial solutions and to integrate all the steps of the billing process with the reception and control of the customer payments.” Office Action, mailed January 15, 2002, p. 4. However, “[i]t is improper, in determining whether a person of ordinary skill would have been led to this combination of references to ‘[use] that which the inventor taught against its teacher.’ ” In re Sang-Su Lee, 277 F.3d 1338, 1344 (Fed. Cir. 2002) (quoting, W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553 (Fed. Cir. 1983)).

Appellant respectfully submits that a person of ordinary skill in the art would not be motivated to combine “acquiring ownership of receivables” with the “convergent” billing system mentioned in the Saville article. The Saville article deals with a convergent billing system that bundles all of a consumer’s charges on various services provided by a single biller into a single convergent bill. For example, the article discusses convergent billing as a way for a telecom provider to lock in customers by offering a single bill that includes bundled products and services to give their customers a full view of all their telecom services. Thus, any receivables associated with the

consumer's purchase of the biller's services are already owned by the biller and there would be no motivation for the biller to acquire ownership of the receivables since it already owns them. In this regard, the Saville article teaches away from the combination asserted by the Examiner. "It is improper to combine references where the references teach away from their combination." MPEP § 2145; see In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

The Examiner has cited the statement in the Saville article that "Saville systems . . . was called in to provide a system for the combined power, light and telephone services in Edmonton, Alberta during 1983." Office Action, mailed January 15, 2002, p. 18. Appellant has not located any additional description of this system in the Saville article. Taken on its face, this statement gives no indication of what Saville systems provided to the City of Edmonton. Similarly, this statement makes no mention of combined billing or of the acquisition of ownership of receivables. It is likely that the City of Edmonton provided all of these services to its citizens as it is not uncommon for a city to provide utilities for its citizens. If Edmonton did provide utilities services to the citizens, then there would be no motivation for Edmonton to acquire ownership of the receivables since it already owns them. Because the Saville article does not disclose acquiring ownership of receivables represented by account data by a service provider under contractual arrangements with the plurality of billers upon receipt of the account data, as noted by the Examiner, Appellant submits that there was no transfer of ownership of receivables associated with the provision of power, light, and telephone services. Thus, this statement from the Saville article also teaches away from the combination asserted by the Examiner.

In the "Response to Arguments," the Examiner asserts that "Saville discloses the step in which the customer continues to purchase products or services from at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received." Office Action, mailed January 15, 2002, p. 17. To support this position, the Examiner notes that "Saville discloses: ' . . . Frontier's convergent billing system provides customers with one-stop shopping and convenient integrated invoices, while providing the company with a competitive advantage: customer retention.' " Id. However, as noted by the Examiner, the Saville system does not

disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data. The customer retention noted with regard to Frontier's convergent billing system is a result of Frontier providing different services (one-stop shopping) and providing an integrated invoice for the services that *it* provides (i.e., Frontier sells products/services to its customers *and* handles the billing of its customers). Conversely, with the present invention, a customer continues to purchase products or services from at least one of a plurality of billers while a service provider acquires ownership of receivables from the plurality of billers, automatically formats a combined bill, and automatically renders the combined bill to the customer.

Similar arguments apply with respect to claims 4, 9-19, 19-22, 32-35, 38-41 that depend on claim 1 and with respect to claims 51-53 that depend on claim 50.

Appellant indicated that claims 54-57 stand and fall together as a group. Appellant considers claims 54-57 to be separately patentable from claims 1, 4, 9-16, 19-22, 32-35, 38-41, and 50-53 because 54-57 also require receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider; remitting payment for the receivables to the billers by the service provider under the contractual arrangement within a pre-determined period after receiving the account data; and automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill. These limitations are not taught or suggested by Saville. Appellant also incorporates herein by reference the arguments set forth above as to the patentability of claims 1, 4, 9-16, 19-22, 32-35, 38-41, and 50-53 over Saville.

Accordingly, the discussion above clearly demonstrates that the Saville article does not suggest or disclose the presently claimed invention and that the Examiner erred in rejecting claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 50-57 as being unpatentable under 35 U.S.C. 103(a) over the Saville article.

Issue 2: Whether the Examiner erred in rejecting claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable under 35 U.S.C. 103(a) over the Saville article in view of Smorodinsky.

The Examiner rejected claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable under 35 U.S.C. 103(a) over the Saville article in view of Smorodinsky. For the reasons set forth below, the Saville article in view of Smorodinsky fails to disclose the presently claimed invention.

The arguments set forth under the foregoing Issue 1, regarding the rejection of claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 50-53 as being unpatentable under 35 U.S.C. 103(a) over the Saville article, apply equally with respect to claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 that depend on claim 1, and those arguments are incorporated by this reference as if fully set forth herein.

Smorodinsky is simply not capable of combined billing. On the contrary, Smorodinsky focuses on an electronic bill presentment and payment system which employs hashes and digital signatures to avoid cheating by billers and/or customers, and which has nothing to do with combined billing. The Smorodinsky system includes biller computers, a bill presentment computer, and customer computers. Each biller computer receives and stores detailed sales and service data for various customers, with is arranged as one or more complete bills for each customer. Each biller computer generates a summary and a digitally signed hash of each complete bill and sends the bill summary and digitally signed hash to the bill presentment computer, which stores the bill summary and hash. Smorodinsky, Col. 4, lines 1-52.

When an operator requests a list of current unpaid bills, the request is sent to the bill presentment computer, which generates and sends the requested list to the customer computer. If the operator requests to see a particular bill summary, the bill presentment computer which obtains the requested bill summary, as well as the digitally signed hash of the corresponding complete bill, and sends them to the customer computer. Smorodinsky, Col. 4, lines 53-65. The customer computer decrypts the digitally signed hash, recomputes a new hash on the complete bill, and compares the decrypted hash with the new recomputed hash. Smorodinsky, Col. 5, lines 40-65. The Saville article in view of Smorodinsky neither teaches nor suggests a system and method for combined billing

in which the service provider, upon receiving account data electronically from each of a plurality of billers from time-to-time under contractual arrangements, acquires ownership of the receivables, calculates and aggregates account charges, and formats and renders a combined bill to the customer as a debt of the customer to the service provider on recurring bill accounts, such that the customer continues to make purchases from the biller after the service provider acquires ownership of the receivables, as contemplated by Appellant's claimed invention.

In summary, the discussion above clearly demonstrates that the Saville article in view of Smorodinsky does not suggest or disclose the presently claimed invention and that the Examiner erred in rejecting claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49 as being unpatentable under 35 U.S.C. 103(a) over the Saville article in view of Smorodinsky.

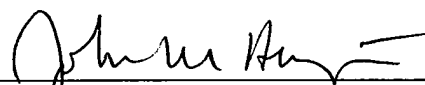
Conclusion

In view of the foregoing, it is submitted that the rejections of claims 1, 4-6, and 9-57 are improper and should not be sustained. Therefore, a reversal of the Final Rejection of the Examiner is respectfully requested.

This brief is being submitted in triplicate.

Respectfully submitted,

Date: 4/4/03

By: 
John M. Harrington (Reg. No. 25,592)
For George T. Marcou (Reg. No. 33,014)

KILPATRICK STOCKTON LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800

APPENDIX - Claims

1. A method of combined billing for at least one customer on a plurality of customer accounts, comprising:
 - receiving account data for the plurality of customer accounts electronically from time-to-time by a service provider from each of a plurality of billers;
 - acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data;
 - automatically calculating account charges for the plurality of customer accounts from the account data;
 - aggregating the account charges for at least one customer on the plurality of customer accounts;
 - automatically formatting a combined bill for the customer from the aggregated account charges; and
 - automatically rendering the combined bill to the customer;wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.
4. The method of claim 1, wherein the account charge is calculated by a computer application.
5. The method of claim 4, wherein the computer application comprises a financial institution application.
6. The method of claim 5, wherein the financial institution comprises a bank.
9. The method of claim 1, wherein one of the plurality of customer accounts comprises at least one selected from the group of a recurring bill account, a retail account, a communications account, and a financial account.

10. The method of claim 9, wherein the recurring bill account comprises at least one selected from the group of an electric account, a gas account, a cable account, a home security account, and a water account.

11. The method of claim 9, wherein the retail account comprises at least a credit card account.

12. The method of claim 9, wherein the communications account comprises at least one selected from the group of a long distance account, a local account, a wireless account, and an Internet access account.

13. The method of claim 9, wherein the financial account comprises at least one selected from the group of an insurance account, an investments account, an auto account, a bank statement account, an installment account, and a mortgage account.

14. The method of claim 9, wherein the cable services include pay television services.

15. The method of claim 1, further comprising automatically formatting the account charges.

16. The method of claim 15, further comprising transmitting the formatted account charges to a bill aggregator.

17. The method of claim 1, wherein the account data comprises usage data.

18. The method of claim 17, further comprising automatically calculating a usage charge from the usage data.

19. The method of claim 18, wherein the usage charge is calculated according to a predefined usage pricing schedule.

20. The method of claim 19, further comprising automatically calculating a tax associated with the usage charge.

21. The method of claim 20, wherein the tax is calculated according to a predefined usage charge tax schedule.

22. The method of claim 21, further comprising automatically calculating the account charge from the usage charge and the associated tax.

23. The method of claim 1, further comprising automatically validating the account data.

24. The method of claim 23, wherein validating comprises automatically comparing the account data with predefined account data parameters.

25. The method of claim 24, wherein validating further comprises automatically rejecting account data that falls outside the predefined account data parameters.

26. The method of claim 1, wherein aggregating further comprises automatically validating the account charges.

27. The method of claim 26, wherein validating further comprises automatically comparing the account charges with predefined account parameters.

28. The method of claim 27, wherein validating further comprises automatically rejecting account charges that fall outside the predefined account parameters.

29. The method of claim 1, wherein aggregating comprises automatically assembling the account charges.

30. The method of claim 29, wherein at least one of the account charges relates to a credit card account, and wherein assembling comprises automatically calculating at least one selected from the group of a fee and a finance charge associated with the credit card account charge.

31. The method of claim 30, wherein assembling further comprises automatically calculating a credit card account payment due amount from the credit card account charge and at least one selected from the group of the fee and the finance charge.

32. The method of claim 29, wherein assembling further comprises automatically calculating a discount associated with the assembled account charges.

33. The method of claim 32, wherein the discount is calculated according to a predefined discount schedule

34. The method of claim 29, wherein assembling further comprises automatically calculating a rebate amount associated with the assembled account charges.

35. The method of claim 29, wherein assembling further comprises automatically calculating a reward amount associated with the assembled account charges.
36. The method of claim 1, further comprising automatically validating the aggregated account charges.
37. The method of claim 1, wherein the formatted bill comprises an electronic mail message.
38. The method of claim 1, wherein rendering comprises automatically storing the formatted bill for the customer in a storage location.
39. The method of claim 38, wherein the storage location comprises a server.
40. The method of claim 38, further comprising transmitting the formatted bill from the storage location to a terminal.
41. The method of claim 40, further comprising displaying the formatted bill at the terminal by the customer.
42. The method of claim 1, further comprising transmitting an inquiry for the customer regarding at least one of the customer accounts.
43. The method of claim 1, further comprising transmitting a request for the customer for an information change regarding at least one of the customer accounts.
44. The method of claim 1, further comprising transmitting an order for the customer for at least one of the customer accounts.
45. The method of claim 44, further comprising processing an order for the customer for the customer account.
46. The method of claim 1, further comprising transmitting a request for the customer for cancellation of at least one of the customer accounts.
47. The method of claim 1, further comprising transmitting a request for the customer for an adjustment of the combined bill regarding at least one of the customer accounts.

48. The method of claim 47, wherein the customer account comprises a recurring bill account.

49. The method of claim 1, further comprising the customer paying the bill.

50. A system for combined billing for at least one customer on a plurality of customer accounts, comprising:

means for receiving account data for the plurality of customer accounts electronically from time-to-time by a service provider from each of a plurality of billers;

means for acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data;

means for automatically calculating account charges for the plurality of customer accounts from the account data;

means for aggregating the account charges for a least one customer on the plurality of customer accounts;

means coupled to the aggregating means for automatically formatting a combined bill for the customer from the aggregated account charges; and

means associated with the formatting means for rendering the combined bill to the customer;

wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.

51. The system of claim 50, wherein the aggregating means comprises a server.

52. The system of claim 50, wherein the formatting means comprises a server.

53. The system of claim 50, wherein the rendering means comprises a server.

54. A method of combined billing for at least one customer on a plurality of customer accounts by a service provider, comprising:

entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically;

receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider;

storing the account data at a customer level in a computer database of the service provider;

acquiring ownership by the service provider of receivables represented by the account data under the contractual arrangement when the account data is received by the service provider;

remitting payment for the receivables to the billers by the service provider under the contractual arrangement within a pre-determined period after receiving the account data;

automatically calculating account charges for the plurality of customer accounts from the account data;

aggregating account charges for at least one customer on a plurality of customer accounts;

automatically generating a combined bill for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account; and

automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill;

wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at

least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.

55. A system of combined billing for at least one customer on a plurality of customer accounts by a service provider, comprising:

means for entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically;

means for receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider;

means for storing the account data at a customer level in a computer database of the service provider;

means for acquiring ownership by the service provider of receivables represented by the account data under the contractual arrangement when the account data is received by the service provider;

means for remitting payment for the receivables to the billers by the service provider within a pre-determined period after receiving the account data;

means for automatically calculating account charges for the plurality of customer accounts from the account data;

means for aggregating account charges for at least one customer on a plurality of customer accounts;

means for automatically generating a combined bill for the customer at a pre-determined cycle time for the customer's account, ;

means for automatically formatting a combined bill for the customer from the aggregated account charges; and

means for automatically rendering the combined bill to the customer as a debt to the service provider as owner of the receivable represented by the combined bill;

wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.

56. A method of combined billing for at least one customer on a plurality of customer accounts by a financial institution, comprising:

entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a financial institution electronically;

periodically receiving the account data electronically during a billing cycle by the financial institution from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the financial institution;

storing the account data at a customer level in a computer database of the financial institution;

acquiring ownership by the financial institution of receivables represented by the account data under the contractual arrangement when the account data is periodically received by the financial institution;

remitting payment for the receivables to the billers by the financial institution under the contractual arrangement within a pre-determined period after receiving the account data;

automatically calculating account charges for the plurality of customer accounts from the account data;

aggregating account charges for at least one customer on a plurality of customer accounts;

automatically generating a combined bill for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account; and

automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill;

wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from the at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.

57. A system of combined billing for at least one customer on a plurality of customer accounts by a service provider, comprising:

means for entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically;

means for periodically receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider;

means for storing the account data at a customer level in a computer database of the service provider;

means for acquiring ownership by the service provider of receivables represented by the account data under the contractual arrangement when the account data is periodically received by the service provider;

means for remitting payment for the receivables to the billers by the service provider within a pre-determined period after receiving the account data;

means for automatically calculating account charges for the plurality of customer accounts from the account data;

means for aggregating account charges for at least one customer on a plurality of customer accounts;

means for automatically generating a combined bill for the customer at a pre-determined cycle time for the customer's account, ;

means for automatically formatting a combined bill for the customer from the aggregated account charges; and

means for automatically rendering the combined bill to the customer as a debt to the service provider as owner of the receivable represented by the combined bill;

wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase goods or services from the at least one of the billers after the service provider acquires ownership of the receivables associated with the account data received.